IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31774 of 2007(G)

OS.884/1989 of I ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

SUKASINI BAI
W/O. LATE P.C. VISWAKUMARAN NAIR
T.C. 1270/4,LAKSHMI VILAS
KOWDIAR P.O. KOWDIAR VILLAGE
THIRUVANANTHAPURAM.

BY ADV. SRI.R.MANOJ
SMT.INDIRA RAVINDRAN
SRI.P.RAVINDRAN PILLAI

RESPONDENT:

OFFICIAL RECEIVER
DISTRICT COURT
THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.31774 of 2007

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Dated this the 25th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction against the Official Receiver to release amounts due to the petitioner under Ext.P1 decree by accepting Ext.P5 legal heirship certificate and Ext.P6 series of power of attorney.

2. It is seen that a decree has been obtained as early as in 1991 and the defendant - Firm is now managed by the Official Receiver. It indicates that there are a large number of debtors and whatever is released can be only proportionately distributed among the creditors. Just because the plaintiffs have got a decree it will not entitle them for realisation of the entire amount if proportionate distribution alone is ordered. I am also conscious of the fact that when the legal heirs want to claim the amount, they have to satisfy the requirements under Section 214 (1)(b) of the Indian Succession Act. This Court cannot relax that

contingency also. But if the children are entitled to shares in their own right, certainly a valid power of attorney executed by them can be relied on by the Official Receiver for distribution of the amount.

With these observations, the Writ Petition is disposed of.

M.N.Krishnan,
Judge.

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